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HOUSE BILL 659

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO GAMBLING; PROVIDING FOR MANDATORY LOCAL OPTION FOR  
AFFIRMATIVE ACTION TO PERMIT ANY GAMBLING AUTHORIZED BY LAW;  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. --This act may be cited as the  
"Gambling Local Option Act".

Section 2. DEFINITION OF "ELECTRONIC GAMING". --As used in  
the Gambling Local Option Act, "electronic gaming" means play on  
a mechanical, electromechanical or electronic contrivance or  
machine that, upon insertion of cash, a coin, token or similar  
object or upon payment of any consideration, is available to  
play or operate a game, the award of a prize from which is  
determined by chance even though accompanied by some skill, and  
from which the payoff is made automatically from the machine or

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1 in another manner, but "electronic gaming" does not include play  
2 on a device, contrivance or machine that may be available for  
3 play upon the payment of consideration and when played may, by  
4 reason of the skill of the player accompanied by some chance,  
5 entitle the player to receive additional play on the same or a  
6 similar device, contrivance or machine or a voucher or credit  
7 slip that may be exchanged for merchandise of insignificant  
8 value.

9 Section 3. LOCAL OPTION. --In any county or municipality in  
10 which the local option provision of the Gambling Local Option  
11 Act has been accepted by the voters, electronic gaming is  
12 prohibited or permitted in accordance with the outcome of the  
13 referendum.

14 Section 4. LOCAL OPTION ELECTION-- RACETRACKS-- CHARITABLE  
15 ORGANIZATIONS-- NONPROFIT ORGANIZATIONS-- LICENSED LIQUOR  
16 ESTABLISHMENTS-- PROCEDURE. --

17 A. A county, not including incorporated  
18 municipalities within its boundaries, or an incorporated  
19 municipality is a local option district if the option of  
20 permitting electronic gaming on the premises of racetracks,  
21 certain charitable organizations, nonprofit organizations and  
22 liquor establishments in that county or incorporated  
23 municipality is adopted by the registered voters of that county  
24 or municipality.

25 B. An incorporated municipality may have a local

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1 option referendum in that municipality, even if the county in  
2 which the incorporated municipality is located has had a  
3 referendum and resolved the local option question for the  
4 county.

5 C. Based on the content of the petition, a local  
6 governing body of a proposed local option district shall place  
7 the following question on the ballot:

8 "Shall electronic gaming on the premises of racetracks,  
9 certain charitable organizations, certain nonprofit  
10 organizations and liquor establishments be permitted in (name of  
11 proposed local option district), effective July 1, 19 \_\_? \_\_\_YES  
12 \_\_\_NO".

13 D. The procedures for adopting the local option  
14 provision for electronic gaming are:

15 (1) at any time from the effective date of the  
16 Gambling Local Option Act, the registered voters of any proposed  
17 local option district may petition the governing body by filing  
18 one or more petitions in the appropriate office to hold a  
19 referendum to determine whether the proposed local option  
20 district shall adopt the local option provision of the Gambling  
21 Local Option Act. Each petition shall state the question that  
22 will be presented on the ballot. If the aggregate of the  
23 signatures of the registered voters on all the petitions equals  
24 or exceeds five percent of the number of registered voters of  
25 the proposed local option district at the time of the last

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1 general election, the governing body shall call an election  
2 within ninety days of the verification of the petition. The  
3 latest date for filing a petition shall be three months after  
4 the date on which the first signature was obtained;

5 (2) except as otherwise provided in this  
6 section, the election shall be called and conducted and votes  
7 shall be counted and canvassed substantially in the manner  
8 provided by law for general elections within the county for a  
9 county referendum or pursuant to the Municipal Election Code for  
10 a municipal referendum;

11 (3) except as otherwise provided in this  
12 section, contests, recounts and rechecks shall be permitted for  
13 a county referendum as provided for in the case of candidates  
14 for county offices in general elections or for a municipal  
15 referendum as provided for in the Municipal Election Code for  
16 candidates for municipal office. Applications for contests,  
17 recounts or rechecks may be filed by any person who voted in the  
18 election, and service shall be made upon the county clerk or  
19 municipal clerk. The payment of the costs and expenses of the  
20 contest, recount or recheck shall be assessed for a county  
21 referendum in the manner provided by the Election Code for  
22 contests in a general election of candidates for county offices  
23 or for a municipal referendum pursuant to the Municipal Election  
24 Code for candidates for municipal office;

25 (4) if a majority of all the votes cast in a

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1 referendum election seeking to permit electronic gaming on the  
2 premises of racetracks, certain charitable organizations,  
3 certain nonprofit organizations and liquor establishments is in  
4 favor of the local option provision to permit electronic gaming  
5 in the local option district, the chairman of the governing body  
6 shall declare by order entered upon the records of the local  
7 option district that the local option district has adopted the  
8 local option provision of the Gambling Local Option Act  
9 permitting electronic gaming and shall notify the gambling  
10 regulatory authority of the results; and

11 (5) no election shall be held pursuant to this  
12 section within forty-two days of any primary, general, municipal  
13 or school district election unless the election is held on the  
14 day of any primary, general, municipal or school district  
15 election.

16 Section 5. RESUBMISSION OF LOCAL OPTION QUESTION. --

17 A. In a local option district in which the local  
18 option provision of the Gambling Local Option Act has been  
19 rejected by the voters, it is permissible after the expiration  
20 of three years from the date of the election at which the local  
21 option provision was rejected to have another local option  
22 election in the district by following the procedure provided for  
23 in that act.

24 B. In a local option district in which the local  
25 option provision of the Gambling Local Option Act has been

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1 accepted by the voters, it is permissible after the expiration  
2 of twelve years from the date of election at which the local  
3 option provision was accepted to have another local option  
4 election that may allow voters to rescind the local option  
5 provision previously adopted in the county or municipality by  
6 following the procedures provided for in that act.

7 Section 6. EMERGENCY. --It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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